

REMARKS

I. Drawings

At paragraph 7 of the Office Action mailed on September 22, 2005 (“the Office Action”), the Examiner asserted that the amendment to the Drawings filed by the Applicants on September 29, 2004 failed to meet the requirements of 37 CFR 1.121 for failing to indicate “Replacement Sheet” in the top margin of the replacement drawing sheets. In response, Applicants file herewith (APPENDIX A) a set of replacement drawing sheets labeled as “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121. Accordingly, the objection to the Drawings may be withdrawn.

II. Status of the Claims

Claims 33-40 are pending in this application. Claims 33-35 are rejected under 35 USC §101. Claims 36-40 are objected to as being dependent upon a rejected base claim.

III. The rejection under 35 USC §101 may be withdrawn

The Examiner rejected claims 33-35 under 35 USC §101, for assertedly being drawn to non-statutory subject matter. Specifically, the Examiner asserted that claims 33-35 fail to include any limitation which would distinguish the claimed antibodies from those which occur in nature. The Examiner suggested that amending the claims to recite a purity limitation, if supported by the specification, would obviate this rejection.

In response, Applicants have amended claim 33 to recite the term “isolated” immediately preceding the term “antibody.” Support for this amendment can be found throughout the specification. See, e.g., the specification as originally filed at page 14, at about lines 5-31, and page 18, at about lines 16-28. Further, the Examples of the specification as originally filed describe the use of antibodies to characterize the polypeptides of the invention. Accordingly, the rejection under 35 USC §101 may be withdrawn.

IV. The double patenting rejection.

The Examiner advised the Applicants that should claim 33 be found allowable, claims 34-35 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. The Applicants respectfully request that the double patenting rejection be held in abeyance until allowance of claimed subject matter has been acknowledged.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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APPENDIX A